

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 32.2.404 pertaining to) AMENDMENT
department of livestock brands)
enforcement division fees) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On August 21, 2016, the Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m., August 12, 2016, to advise us of the nature of the accommodation that you need. Please contact Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.2.404 DEPARTMENT OF LIVESTOCK BRANDS ENFORCEMENT
DIVISION FEES (1) through (2)(b) remain the same.
(c) Horse, mule, or ass inspection:
(i) before moving across a county line or before change of
ownership ~~6.00~~ 10.00 a head
(A) remains the same.
(ii) before sold or offered for sale at a licensed livestock market ~~6.00~~ 10.00 a
head
(d) through (4)(f) remain the same.
(g) Lifetime or permanent bull inspection permit 30.00 a head
(~~g~~) (h) Market consignment permit or transportation permit before
moving across a county line 1.00
(~~h~~) (i) Sheep transportation permit 1.00
(~~i~~) (j) Releasing livestock, except horses, mules, or asses
for removal from a licensed livestock market 1.00 a head
(~~j~~) (k) Releasing horses, mules, or asses for removal from
a licensed livestock market ~~6.00~~ 10.00 a head
(5) remains the same.

AUTH: 81-1-102, MCA

IMP: 81-3-205, 81-3-211, 81-4-602, 81-4-605, 81-5-112, 81-7-504, 81-8-256, 81-8-264, 81-8-271, 81-8-276, 81-8-304, 81-9-113, ~~81-9-122~~, 81-9-411, MCA

REASON: The department proposes to raise these fees because they have not been raised since 2003. Since that time, the average cost of performing horse inspections, personnel, equipment, printing, postage, and fuel have all increased. The department's cost of performing horse inspections is at least \$10 per inspection.

The lifetime or permanent bull inspection permit fee is established based on the costs associated with performing permanent inspections for rodeo bulls including, personnel costs, fuel, equipment, printing, and postage.

Authority and implementation citations are being proposed to accurately reflect all statutes implemented through the rule and to provide the complete sources of rulemaking authority. The citation 81-9-122, MCA has been proposed to be removed as no such statute exists.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Michael S. Honeycutt, 301 N. Roberts St., Room 306, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., August 19, 2016.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., August 19, 2016.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Those persons directly affected by the increase fee for horse inspections and lifetime or permanent bull inspection permits have been estimated to be greater than 25, based upon approximately 12,745 horse inspection certificates written in 2015 and approximately 67 producers raising or selling bucking bulls.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless

a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

DEPARTMENT OF LIVESTOCK

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State, July 11, 2016